

EXHIBIT 1

1881CV00016 Salvato, Edward et al vs. Amazon.com, Inc. et al

Case Type	Torts
Case Status	Open
File Date	01/02/2018
DCM Track:	F - Fast Track
Initiating Action:	Other Negligence - Personal Injury / Property Damage
Status Date:	01/02/2018
Case Judge:	
Next Event:	

[All Information](#) | [Party](#) | [Tickler](#) | [Docket](#) | **Disposition**
Party Information**Salvato, Edward - Plaintiff**

Alias

Party Attorney

Attorney	Cantor, Esq., Alan L
Bar Code	072360
Address	Swartz & Swartz PC 10 Marshall St Boston, MA 02108 (617)742-1900
Phone Number	

[More Party Information](#)**Salvato, Wendi - Plaintiff**

Alias

Party Attorney[More Party Information](#)**Amazon.com, Inc. - Defendant**

Alias

Party Attorney[More Party Information](#)**Igor US, Inc. - Defendant**

Alias

Party Attorney[More Party Information](#)**Ticklers**

Tickler	Start Date	Due Date	Days Due	Completed Date
Service	01/02/2018	04/02/2018	90	
Answer	01/02/2018	05/02/2018	120	
Rule 12/19/20 Served By	01/02/2018	05/02/2018	120	
Rule 12/19/20 Filed By	01/02/2018	06/01/2018	150	
Rule 12/19/20 Heard By	01/02/2018	07/02/2018	181	
Rule 15 Served By	01/02/2018	05/02/2018	120	
Rule 15 Filed By	01/02/2018	06/01/2018	150	
Rule 15 Heard By	01/02/2018	07/02/2018	181	
Discovery	01/02/2018	10/29/2018	300	
Rule 56 Served By	01/02/2018	11/28/2018	330	
Rule 56 Filed By	01/02/2018	12/28/2018	360	
Final Pre-Trial Conference	01/02/2018	04/29/2019	482	
Judgment	01/02/2018	01/02/2020	730	

Docket Information

Docket Date	Docket Text	File Ref Nbr.
01/02/2018	Attorney appearance On this date Alan L Cantor, Esq. added for Plaintiff Edward Salvato	
01/02/2018	Case assigned to: DCM Track F - Fast Track was added on 01/02/2018	
01/02/2018	Original civil complaint filed.	1
01/02/2018	Civil action cover sheet filed.	2
01/02/2018	Demand for jury trial entered.	
02/26/2018	Service Returned for Defendant Amazon.com, Inc.: Service via certified mail; 2/20/18, 410 Terry Ave. N., Seattle, WA 98109	3
03/15/2018	Plaintiff, Defendant Edward Salvato, Wendi Salvato, Amazon.com, Inc.'s Assented to Motion to extend time to answer or otherwise respond	4

Case Disposition

Disposition	Date	Case Judge
Pending		

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, SS	SUPERIOR COURT
	CIVIL ACTION NO.:
EDWARD SALVATO and)	PLAINTIFF CLAIMS
WENDI SALVATO,)	TRIAL BY JURY
Plaintiffs,)	
)	
vs.)	
)	
AMAZON.COM, INC. and,)	
IQOR US, INC.)	
Defendants.)	

COMPLAINT

PARTIES AND FACTS

1. The Plaintiff Edward Salvato and Wendi Salvato are husband and wife, residing in Tewksbury, Middlesex County Massachusetts.
2. The Defendant Amazon.com, Inc. is a foreign corporation with a principal place of business in Washington and may be served through its Registered Agent, Corporation Service Company, 300 Deschutes Way SW, Ste. 304, Tumwater, WA 98501.
3. The Defendant IQOR US, Inc. is a foreign corporation with a principal place of business at 200 Central Ave., St. Petersburg, FL 33701.
4. The action arises out of injuries sustained in Massachusetts sufficient to confer personal jurisdiction over defendant Amazon.com, Inc. pursuant to the Massachusetts long arm statute.
5. The action arises out of injuries sustained in Massachusetts sufficient to confer personal jurisdiction over defendant IQOR US, Inc. pursuant to the Massachusetts long arm statute.
6. At all times pertinent hereto, the Plaintiff was employed by Kelly Services, an agency providing staffing services to businesses.
7. Plaintiff's employer Kelly Services assigned the Plaintiff to work at a facility in Burlington, Massachusetts, which was operated by or on behalf of Defendants.

8. On or about May 25, 2016, the Plaintiff was severely injured when his right wrist was crushed by a defective hydraulic table.

COUNT I

(Negligence v. Amazon.com, Inc.)

9. The plaintiff repeats paragraphs 1-8 as if expressly set forth herein.
10. The injury sustained by the Plaintiff was a direct and proximate result of the carelessness and negligence of Defendants as follows:
 - a. Defendants failed to take reasonable and appropriate steps to prevent injuries to persons working on the premises including Plaintiff;
 - b. Defendants failed to provide Plaintiff with a safe place to work;
 - c. Defendants failed to supervise Plaintiff and other employees;
 - d. Defendants failed to adequately train its employees;
 - e. Defendants failed to warn Plaintiff of the hazards posed by working on the premises; and
 - f. Defendants failed to maintain the equipment on the premises to be in proper operating condition.
11. As a direct and proximate result of the negligence and carelessness of the Defendants, as hereinabove set forth, Plaintiff sustained damages, including but not limited to, severe and permanent injury to his wrist and hand. Plaintiff underwent hospitalization and had extensive medical care. Plaintiff suffered and continues to suffer great physical and mental anguish. Plaintiff incurred great sums in medical expenses and lost wages as a direct and proximate result of Defendants' negligence.

WHEREFORE, Plaintiff prays judgment against Defendants, together with interest and costs.

COUNT II

(Negligence v. Igor US, Inc.)

12. The plaintiff repeats paragraphs 1-11 as if expressly set forth herein.
13. The injury sustained by the Plaintiff was a direct and proximate result of the carelessness and negligence of Defendants as follows:
 - a. Defendants failed to take reasonable and appropriate steps to prevent injuries to persons working on the premises including Plaintiff;
 - b. Defendants failed to provide Plaintiff with a safe place to work;
 - c. Defendants failed to supervise Plaintiff and other employees;
 - d. Defendants failed to adequately train its employees;
 - e. Defendants failed to warn Plaintiff of the hazards posed by working on the premises; and
 - f. Defendants failed to maintain the equipment on the premises to be in proper operating condition.

14. As a direct and proximate result of the negligence and carelessness of the Defendants, as hereinabove set forth, Plaintiff sustained damages, including but not limited to, severe and permanent injury to his wrist and hand. Plaintiff underwent hospitalization and had extensive medical care. Plaintiff suffered and continues to suffer great physical and mental anguish. Plaintiff incurred great sums in medical expenses and lost wages as a direct and proximate result of Defendants' negligence.

WHEREFORE, Plaintiff prays judgment against Defendants, together with interest and costs.

COUNT III
(Loss of Consortium v. All Defendants)

15. The Plaintiff Wendi Salvato repeats the allegations of paragraphs 1-14 herein.

16. As a direct and proximate result of defendants' negligence, the husband of the plaintiff Wendi Salvato was injured and disabled. As a result thereof, Plaintiff has lost the love, companionship and consortium of her husband.

WHEREFORE, Plaintiff prays judgment against Defendants, together with interest and costs.

PLAINTIFF DEMANDS TRIAL BY JURY.

The Plaintiffs,
By Their Attorney,

Alan L. Cantor

James A. Swartz
BBO #556920
Alan L. Cantor
BBO #072360
Swartz & Swartz, P.C.
10 Marshall Street
Boston, MA 02108
617-742-1900

Dated: December 27, 2017

CIVIL ACTION COVER SHEET		DOCKET NUMBER	Trial Court of Massachusetts The Superior Court													
PLAINTIFF(S): Edward Salvato and Wendi Salvato		COUNTY Middlesex														
ADDRESS:		DEFENDANT(S): Amazon.com, Inc. and Igor US, Inc.														
ATTORNEY: Alan L. Cantor																
ADDRESS: Swartz & Swartz, P.C.																
10 Marshall Street																
Boston, MA 02108																
BBO: 072360																
TYPE OF ACTION AND TRACK DESIGNATION (see reverse side)																
CODE NO. <u>B04</u>	TYPE OF ACTION (specify) <u>Other Negligence</u>	TRACK <u>F</u>	HAS A JURY CLAIM BEEN MADE? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO													
*If "Other" please describe: <u>Personal Injury/Property Damage</u>																
STATEMENT OF DAMAGES PURSUANT TO G.L. c. 212, § 3A																
<p>The following is a full, itemized and detailed statement of the facts on which the undersigned plaintiff or plaintiff counsel relies to determine money damages. For this form, disregard double or treble damage claims; indicate single damages only.</p> <p style="text-align: center;">TORT CLAIMS (attach additional sheets as necessary)</p>																
<p>A Documented medical expenses to date:</p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 80%;">1. Total hospital expenses</td> <td style="width: 10%; text-align: right;">\$</td> </tr> <tr> <td>2. Total doctor expenses</td> <td style="text-align: right;">\$</td> </tr> <tr> <td>3. Total chiropractic expenses</td> <td style="text-align: right;">\$</td> </tr> <tr> <td>4. Total physical therapy expenses</td> <td style="text-align: right;">\$</td> </tr> <tr> <td>5. Total other expenses (describe below)</td> <td style="text-align: right;">\$</td> </tr> <tr> <td colspan="2" style="text-align: right;">Subtotal (A): \$</td> </tr> </table> <p>TOTAL (A-F): \$ <u>16,000.00+</u></p> <p>B Documented lost wages and compensation to date</p> <p>C Documented property damages to date</p> <p>D Reasonably anticipated future medical and hospital expenses</p> <p>E Reasonably anticipated lost wages</p> <p>F Other documented items of damages (describe below)</p> <p>TOTAL (A-F): \$ <u>50,000.00+</u></p> <p>G Briefly describe plaintiff's injury, including the nature and extent of injury: Plaintiff's employer assigned Plaintiff to work at a Defendant owned and operated facility. While Plaintiff was working at said facility, Plaintiff was severely injured when a defective hydraulic table fell on his wrist.</p> <p style="text-align: center;">CONTRACT CLAIMS (attach additional sheets as necessary)</p> <p>Provide a detailed description of claims(s):</p> <p style="text-align: right;">TOTAL: \$</p>					1. Total hospital expenses	\$	2. Total doctor expenses	\$	3. Total chiropractic expenses	\$	4. Total physical therapy expenses	\$	5. Total other expenses (describe below)	\$	Subtotal (A): \$	
1. Total hospital expenses	\$															
2. Total doctor expenses	\$															
3. Total chiropractic expenses	\$															
4. Total physical therapy expenses	\$															
5. Total other expenses (describe below)	\$															
Subtotal (A): \$																
Signature of Attorney/Pro Se Plaintiff: X <u>Alan L. Cantor</u>		Date: Dec 12, 2017														
RELATED ACTIONS: Please provide the case number, case name, and county of any related actions pending in the Superior Court.																
CERTIFICATION PURSUANT TO SJC RULE 1:18																
<p>I hereby certify that I have complied with requirements of Rule 5 of the Supreme Judicial Court Uniform Rules on Dispute Resolution (SJC Rule 1:18) requiring that I provide my clients with information about court-connected dispute resolution services and discuss with them the advantages and disadvantages of the various methods of dispute resolution.</p>																
Signature of Attorney of Record: X <u>Alan L. Cantor</u>		Date: Dec 12, 2017														

Commonwealth of Massachusetts

MIDDLESEX,SS.

TRIAL COURT OF THE COMMONWEALTH
SUPERIOR COURT DEPARTMENT
CIVIL DOCKET NO. 1881CV00016

Edward Salvato et al, PLAINTIFFS(S),

v.

Amazon.com, Inc. et al, DEFENDANT(S)



SUMMONS

THIS SUMMONS IS DIRECTED TO Amazon.com, Inc. (Defendant's name)

You are being sued. The Plaintiff(s) named above has started a lawsuit against you. A copy of the Plaintiff's Complaint filed against you is attached to this summons and the original complaint has been filed in the Middlesex Court. **YOU MUST ACT PROMPTLY TO PROTECT YOUR RIGHTS.**

1. **You must respond to this lawsuit in writing within 20 days.** If you do not respond, the court may decide the case against you and award the Plaintiff everything asked for in the complaint. You will also lose the opportunity to tell your side of the story. You must respond to this lawsuit in writing even if you expect to resolve this matter with the Plaintiff. **If you need more time to respond, you may request an extension of time in writing from the Court.**
2. **How to Respond.** To respond to this lawsuit, you must file a written response with the court and mail a copy to the Plaintiff's Attorney (or the Plaintiff, if unrepresented). You can do this by:
 - a. Filing your **signed original response** with the Clerk's Office for Civil Business, Middlesex Court, Superior 200 Trade Center (address), by mail or in person, AND Woburn, MA 01801
 - b. Delivering or mailing a **copy** of your response to the Plaintiff's Attorney/Plaintiff at the following address: Swartz & Swartz, P.C., 10 Marshall St., Boston, MA 02108
3. **What to include in your response.** An "Answer" is one type of response to a Complaint. Your Answer must state whether you agree or disagree with the fact(s) alleged in each paragraph of the Complaint. Some defenses, called affirmative defenses, must be stated in your Answer or you may lose your right to use them in court. If you have any claims against the Plaintiff (referred to as **counterclaims**) that are based on the same facts or transaction described in the Complaint, then you must include those claims in your Answer. Otherwise, you may lose your right to sue the Plaintiff about anything related to this lawsuit. If you want to have your case heard by a jury, you must **specifically** request a jury trial in your Answer or in a written demand for a jury trial that you must send to the other side and file with the court no more than 10 days after sending your Answer. You can also respond to a Complaint by filing a "**Motion to Dismiss**," if you believe that the complaint is legally invalid or legally insufficient. A Motion to Dismiss must be based on one of the legal deficiencies or reasons listed under **Mass. R. Civ. P. 12**. If you are filing a Motion to Dismiss, you must also comply with the filing procedures for "Civil Motions" described in the rules of the Court in which the complaint was filed, available at www.mass.gov/courts/case-legal-res/rules of court.

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, SS.

SUPERIOR COURT
C.A. NO. 1881-CV-00016

EDWARD SALVATO and WENDI)
SALVATO,)
Plaintiffs,)
v.)
AMAZON.COM, INC. and IQOR)
US, INC.,)
Defendants.)

)

**ASSENTED-TO MOTION TO EXTEND TIME
TO ANSWER OR OTHERWISE RESPOND**

Pursuant to Mass. R. Civ. P. 6(b), defendant Amazon.com, Inc. ("Amazon") hereby moves, with the assent of Plaintiffs, for a thirty (30) day extension of time up to and including April 13, 2018, to answer or otherwise respond to the Plaintiffs' Complaint. As grounds, Amazon states that it requires additional time to respond to the Plaintiffs' Complaint and that the allowance of its Motion will not in any way delay the disposition of this matter. As further grounds, Amazon states that counsel for Plaintiffs assents to the Motion, so there will be no prejudice if the Motion is granted, and this is the first such extension of time sought by Amazon and the extension sought is brief.

WHEREFORE, Amazon requests that the Court grant its Motion and that the deadline for answering or otherwise responding to the Plaintiffs' Complaint be extended to April 13, 2018.

ASSENTED TO:

EDWARD SALVATO and WENDI
SALVATO

By their Attorney,

SWARTZ & SWARTZ, P.C.

James A. Swartz

James A. Swartz (BBO #556920
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Alan L. Cantor (BBO #072360)
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10 Marshall Street
Boston, MA 02108
Tel: (617) 742-1900
Fax: (617) 367-7193

AMAZON.COM, INC.

By its Attorneys,

CAMPBELL CAMPBELL EDWARDS
& CONROY, P.C.

Howe

James M. Campbell (BBO #541882)
jcampbell@campbell-trial-lawyers.com
Christopher R. Howe (BBO #652445)
chowe@campbell-trial-lawyers.com
One Constitution Plaza, 3rd Floor
Boston, MA 02129
Tel: (617) 241-3000
Fax: (617) 241-5115

* By Attorney Howe, as per March 12, 2018 email authorization of Attorney Swartz.

CERTIFICATE OF SERVICE

I, Christopher R. Howe, attorney for defendant Amazon.com, Inc., hereby certify that on March 12, 2018, I filed and served the foregoing Assented-to Motion to Extend Time to Answer by regular first class mail, postage pre-paid, with the Clerk of the Court and counsel of record.

Howe
Christopher R. Howe